IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 23868 of 2007(N)

PETITIONER:

KERALA HEALTH RESEARCH AND WELFARE SOCIETY, RED CROSS ROAD, GENERAL HOSPITAL, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR, A.S.MOHAMMED SHERIF.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANISATION, BHAVISHYA NIDHI BHAVAN, PATTOM PALACE P.O., THIRUVANANTHAPURAM - 4.

2. EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL, NEW DELHI.

3. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA, NEW DELHI.

4. THE MANAGER, STATE BANK OF TRAVANCORE, MEDICAL COLLEGE BRANCH, THIRUVANANTHAPURAM.

R1 & R2 BY STANDING COUNSEL SMT.T.N.GIRIJA.
R4 BY STANDING COUNSEL SRI.SAJI VARGHESE.
R3 BY SRI.P.PARAMESWARA MENON.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 23868 OF 2007 - N

Dated this the 6th day of August, 2007

J U D G M E N T

The petitioner is a society owned by the State of Kerala. They have been served with orders levying damages and interest under Sections 14B and 7Q respectively of the Employees Provident Funds and Miscellaneous Provisions Act (for short 'the Act'). The petitioner filed appeals challenging the said orders before the Employees Provident Funds Appellate Tribunal. The petitioner was granted interim stay of further coercive proceedings for recovery on condition that the petitioner- society deposits a total amount of Rs.24 lakhs in all the appeals. The petitioner has already paid Rs.12 lakhs. The petitioner submits that the society is not a profit oriented society, but is engaged in the task of providing better infrastructure facilities to Government Hospitals in the State, particularly Medical College Hospitals. The petitioner would submit that if the petitioner is directed to pay the

balance amount also immediately, it would seriously hamper the functioning of the society itself. The petitioner further submits that in any event, the appeals are posted to 12th September,2007 finally for hearing and therefore, the further coercive proceedings may be stayed till disposal of the appeals. He also points out that Section 7O of the Act would not be applicable to the appeals in question as the same relates to damages under Section 14B of the Act, and Section 7O is applicable only in respect of orders under Section 7A .

2. I have heard the Standing counsel for the Provident Fund Organisation also.

3. Considering the facts and circumstances of the case, particularly the fact that the appeals are posted for hearing on 12th September, 2007, I feel that coercive proceedings for recovery of the amount can be stayed till disposal of the appeals subject to the condition that the petitioner would be ready for hearing on 12.9.2007 itself. Accordingly, subject to the said condition, I direct the respondents to keep further

proceedings for recovery of the balance amount in question, in abeyance, till disposal of the appeals. Needless to say that Ext.P3 would not be enforced till such time the appeals are disposed of.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007